

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LAURA ALLEN, INDIVIDUALLY AND AS	)	
ADMINISTRATRIX OF THE ESTATE OF	)	
DAN ALLEN, AND AS NEXT FRIEND	)	
TAYLOR ALLEN AND DANIELLE ALLEN;	)	
AND MARK ALLEN	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO. 05-40048-FDS
v.	)	
	)	
MARTIN SURFACING, INC.; MARTIN	)	
SURFACING A DIVISION OF SOUTHWEST	)	
RECREATION; RONALD RYBA;	)	
SOUTHWEST RECREATIONAL	)	
INDUSTRIES, INC., d/b/a MARTIN	)	
SURFACING; REED J. SEATON; ROBERT	)	
N. WOLESENSKY, JR.; DYNAMIC	)	
SPORTS CONSTRUCTION, INC.; AND	)	
DOES	)	
Defendants.	)	

**DEFENDANTS ROBERT M. WOLESENSKY, JR.'S AND DYNAMIC  
SPORTS CONSTRUCTION, INC.'S SUPPLEMENTAL DISCLOSURES  
PURSUANT TO FRCP 26(a)(1) AND LOCAL RULE 26.2**

Defendants Robert M. Wolesensky, Jr. (incorrectly identified as "Robert N. Wolesensky") and Dynamic Sports Construction, Inc. hereby make the following Supplemental Disclosures pursuant to FRCP 26(a)(1) and Local Rule 26.1:

- Local Rule 26.1(b)(2)(a): all persons known to these Defendants who witnessed the transactions or occurrences giving rise to the claims or defenses in this matter or who have substantial discoverable information regarding same:
  - **Marcie Wolinsky-Friedland, M.D.:** Last known address: Americas Medical Center, 31 Baily Avenue, Ridgefield, CT 06877. She is believed

to be an internal medicine practitioner in Ridgefield, Connecticut. Dan Allen was one of her patients. She has information regarding Mr. Allen's cause of death. She believes his death was a result of Multiple Chemical Sensitivity ("MCS"). Several on-line articles quote Dr. Wolinsky-Friedland on this case.

- **Scott M. Merrill:** Scott M. Merrill became director of the physical plant at Holy Cross on November 1, 2002, following the retirement of Gerard A. Zimmermann. Previously, Merrill served as assistant director of the physical plant for twelve years, most recently coordinating the construction of Holy Cross's Smith Hall. It is believed that correspondence from Martin Surfacing was addressed to Mr. Merrill on February 5, 2001. See attached documents. Mr. Merrill resides in Charlton, Massachusetts and can be reached by phone at (508) 793-2438 or by email at [smerrill@holycross.edu](mailto:smerrill@holycross.edu).
- **Joan Champagne:** Ms. Champagne served as Purchasing Manager for Holy Cross in 1999 through at least 2002. It is believed that Ms. Champagne's signature appears on a Purchase Order for Southwest Recreational Industries on July 25, 2002. See attached document.
- **Leo Fanning:** Mr. Fanning is a former Holy Cross Assistant Coach under Dan Allen who took over the Holy Cross program with Bob Griffin, Holy Cross' Offensive Coordinator, when Dan Allen took a leave of absence.
- **Bob Griffin:** Mr. Griffin is an Assistant Football Coach at Holy Cross. Mr. Griffin is in his sixth season with Holy Cross.

- **Richard Regan:** Mr. Regan currently serves as Athletics Director of Holy Cross. Mr. Regan can be reached by phone at (508) 793-2571 or by email at [rregan@holycross.edu](mailto:rregan@holycross.edu).
- **Ronald Ryba:** Mr. Ryba is a former employee of Southwest Recreational Industries, Inc. and, upon information and belief, was the sales representative responsible for the Holy Cross account. The last known location for him is 3001 E. Lincoln Drive West, Marlton, New Jersey, 08053.

Respectfully submitted,  
By their attorneys,

/s/ Gareth W. Notis

Lee Stephen MacPhee  
Gareth W. Notis  
MORRISON MAHONEY, LLP  
250 Summer Street  
Boston, Massachusetts 02210  
(617) 439-7500

/s/ P. Douglas Barr

P. Douglas Barr  
Lindsey W. Ingram III  
STOLL KEENON OGDEN PLLC  
300 West Vine Street, Suite 2100  
Lexington, Kentucky 40507  
(859) 231-3000

#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the EFC System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

/s/Gareth W. Notis

Gareth W. Notis

APR-14-2004 01:50PM FROM: General Counsel

5087933828

T-206 P.006/008 F-494

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## COLLEGE OF THE HOLY CROSS

Office of Physical Plant

April 5, 2001

Martin Surfacing  
Greentree Executive Campus  
301-E Lincoln Drive  
Marlton, NJ 08053

Attn: Mr. Ron Ryba

Re: Fieldhouse Floor

Dear Ron:

This is a Letter of Intent to Award Martin Surfacing a contract for the accomplishment of resurfacing that portion of the Fieldhouse floor inside the circumference of the track at the College of the Holy Cross in accordance with your proposal dated February 5, 2001 at a cost of \$53,712. A purchase order will be issued within the next few weeks.

The work will be accomplished between May 21, 2001 and June 8, 2001.

We look forward to working with Martin Surfacing again in resurfacing of the Fieldhouse floor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerard R. Zimmermann".

Gerard R. Zimmermann  
Director of Physical Plant

SMM

Cc: ✓ Scott M. Merrill  
Lenny Raymond

APR-14-2004 01:50PM FROM:General Counsel

5087939828

T-206

P.005/008 F-494

Sport Surfaces



February 5, 2001

Mr. Scott Merrill  
Holy Cross University  
One College Street  
Worcester, MA 01610-2395

Sent via Fax (508) 793-2701

**FAXED**  
2-5-01

RE: Holy Cross Fieldhouse

Dear Scott:

Martin Surfacing, a Division of Southwest Recreation proposes to furnish all labor and materials necessary to install VERSATURF "360" poured-in-place, urethane system in room Fieldhouse of approximately 17,000 square feet with a 1/8" average thickness for the sum of:

\$53,712

**FIFTY-THREE THOUSAND SEVEN HUNDRED TWELVE AND NO/100  
DOLLARS**

- All work will be done according to manufacturers specifications.
- Price includes all two-inch game lines and coatings as they now exist; any extra ordinary lines, logos or letters are extra.
- Quote is based upon a second quarter of the year 2001. (May 1<sup>st</sup> to June 15<sup>th</sup>)
- Exclusions are wall base, inserts, thresholds, bond premium and leveling of slab if necessary.
- Price includes removing and disposing of an average 1/16" of floor and replacing with 1/8" Versaturf "360" surface.
- A complete maintenance program to follow installation of surface.

*Scott*  
*Please Confirm*  
*Dates -*  
*A.S.A.P.*  
*Ron*  
*3-9-01*

Thank you again for your interest in Martin Surfacing. Please call if you have any questions.

Best Regards,

Ron Ryba  
Senior Account Executive  
RR/jev

Greentree Executive Campus  
3001-S Lincoln Drive West  
Edgewater, New Jersey 07020  
856.797.8777  
fax 856.797.6796  
www.martinsurfacing.com  
email: gyo@martinsurfacing.com

Holy Cross 7720501

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APR-14-2004 01:51PM FROM-Generis intel

5087933828

T-206 P.008/008 F-494



## PURCHASE ORDER

**FAXED**  
 7-26-02

## College of the Holy Cross

 1 College Street  
 (508) 793-2441  
 Worcester, MA 01610-2395

PO Number	Date	Revision	Page
0000006596	07/25/2002		1
Pay Terms	Freight Terms	PO Type	Ship Via
Net 27	Destination	GEN	SURFACE
Requester: JACK MCCANN			
Buyer: Downey, Gini			

 Vendor: 0000005030  
 Southwest Recreational Industries, Inc.  
 D/B/A Martin Surfacing  
 701 Leander Drive  
 Leander, TX 78641  
 Fax: 410-584-9568

 Ship To: Maintenance Bld Serv  
 1 College Street  
 Worcester, MA 01610-2395

 Bill To: Controller's Office  
 1 College Street  
 Worcester, MA 01610-2395

Tax Exempt? Y Tax Exempt ID: 042103558

Line-Schd	Description	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	Hawk Synthetic Floor Stripper	2.00	EA	90.00	180.00	08/01/2002
2- 1	SynthaSeal Synth. Floor Sealer	10.00	EA	78.00	780.00	08/01/2002

Added \$103.92 shipping  
 Charge to PO 0000006596  
 total PO \$1063.92

Total PO Amount

Purchase Order Number must appear on all invoices, packages and correspondence.

Authorized Signature